

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-32178-2021

Date of decision: - 07.09.2021

Rahul @ Banjara

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Punit Malik, Advocate,
for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.62 dated 23.02.2019, registered under Sections 302, 386, 34 and 120-B IPC and Section 25 of the Arms Act, at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner argues that on the ground of parity, the petitioner is entitled for the grant of regular bail as a similarly situated co-accused of the petitioner, namely, Surjit @ Bullet, who was also attributed the similar allegations, as alleged against the present petitioner, has already been granted the benefit of regular bail by a Co-ordinate Bench of this Court while deciding CRM-M-38355-2020 on 16.12.2020. Learned counsel for the petitioner further argues that

once, a similarly situated co-accused has already been granted the benefit of regular bail, the petitioner be also grant the concession of regular bail.

Notice of motion.

Mr. Karan Garg, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes that the allegations against the petitioner as well as co-accused Surjit @ Bullet are similar in nature, but submits that there was another case pending against co-accused Surjit @ Bullet, whereas, petitioner is involved in other four cases, therefore, the said fact differentiates the petitioner with co-accused Surjit @ Bullet.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is conceded before this Court that the allegations against the petitioner and co-accused Surjit @ Bullet are similar in nature. The only differentiating pointed out by learned State counsel is that there are other four cases pending against the petitioner apart from the present FIR, whereas, against co-accused Surjit @ Bullet there was only one case apart from the present FIR. The differentiating fact being pointed out by learned State counsel is not such so as to deny the petitioner the parity.

Keeping in view the above, as it has been conceded that a similarly situated co-accused, namely, Surjit @ Bullet has already been granted the benefit of regular bail, petitioner, on the ground of parity, is also extended the benefit of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 07, 2021
naresh.k

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No